

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1941.02A
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	August 19, 2002
DATE OF REPORT:	September 18, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 26, 2002

**COMPLAINT ISSUES:**

Whether the Gary Community School Corporation violated:

511 IAC 7-25-4(a) by failing to conduct an educational evaluation prior to finding the student eligible for special education on October 8, 2001.

511 IAC 7-27-5(c) by failing to provide the parent with a copy of the written case conference committee meeting report, including the student's individualized education program (IEP), no later than ten (10) business days after the October 8, 2001, case conference committee (CCC) meeting.

511 IAC 7-27-6(a)(7)(B) by failing to include in the Student's IEP a statement of how the Student's parents will be regularly informed of the Student's progress toward annual goals and the extent to which that progress is sufficient to enable the Student to achieve those goals by the end of the twelve (12) month period.

**FINDINGS OF FACT:**

1. The student ("Student") is five years of age, is enrolled in an early childhood general education program, and receives resource room special education services under the eligibility category of communication disability.
2. The Complainant contends that the Student was not evaluated prior to being enrolled in special education services (on October 8, 2001). The Director provided the Division with a letter of response to the complaint issues and IEP documentation which contained the following information:
  - a. The Student was referred for speech and language services by his preschool teacher on September 11, 2001;
  - b. The parents signed permission to evaluate on September 13, 2001;
  - c. Evaluation by the speech-language pathologist (SLP) was conducted on September 20, 2001, using the Preschool Language Scale-3 and the Goldman-Fristoe Test of Articulation, and the Bracken Test of Basic Skills was administered on September 6, 2001;
  - d. The student was found eligible for speech and language special education services at the October 8, 2001, case conference committee (CCC) meeting and the parents signed approval for the Student to receive the speech and language services on October 8, 2001.
3. While the Complainant also contends that the School failed to evaluate the student in the area of academics upon the parents' request at the initial CCC meeting held October 8, 2001, the School's letter of

response and documents from the CCC meeting indicated the following. The Student's academic and behavioral problems were discussed at the October 8, 2001, CCC meeting. The School staff recommended that the School complete a general education intervention (GEI) by giving general assistance to the Student, observing his behavior for an additional 2 weeks, and then reconvene the CCC on October 22, 2001, to discuss the Student's progress, (as noted on page 9 of the IEP). The parents agreed to the GEI on October 8 and participated in the conference held on October 22. At the GEI conference, the staff reported that the Student was making progress, and a comprehensive educational evaluation was not recommended, nor was a Functional Behavioral Assessment needed at that time. According to the School's report and conference summary, the CCC was in agreement.

4. When the Complainant was read the School's information by the Division complaint investigator (Findings of Fact #3), she concurred with the information provided by the School.
5. The Complainant contends that she was not provided a copy of the IEP/CCC Report within 10 school days of the October 8, 2001, CCC meeting. The School's IEP form contains the statement, "Date this document sent/given to parent(s), October 9, 2001." The Complainant reported that the School told her that the IEP was forwarded to the Student's teacher, who sent it home with the preschool student, but she never received a copy until she requested one from the School. The School's letter of response states that the IEP was given to the preschool teacher and sent home with the Student.
6. The Complainant contends that Student's IEP does not contain a statement of how the Student's parents will be regularly informed of the Student's progress toward annual goals and the extent to which that progress is sufficient to enable the Student to achieve those goals by the end of the twelve (12) month period. Section 7 of the Student's current (initial) IEP contains 3 annual goals, with short-term objectives or Benchmarks that support each annual goal. Each short-term objective or benchmark has the same review date indicated as an "annual review."

## **CONCLUSIONS:**

1. Findings of Fact #2, #3, and #4 indicate that the School completed the educational evaluations on September 20, 2001, after the parents signed permission to evaluate on September 13, 2001, and the CCC was convened on October 8, 2001. CCC documents indicate that the School followed proper procedures when the CCC determined that the Student's additional academic problems would be assessed using the GEI procedures, rather than initiating a comprehensive educational evaluation. The parents signed agreement to participate in the GEI intervention and observations, and they agreed with the GEI committee recommendations of October 22, 2001, to not provide additional comprehensive educational testing at that time. This agreement does not preclude additional academic special education services from being considered by way of additional evaluations in the future. Therefore, no violation of 511 IAC 7-25-4 is found.
2. Findings of Fact #5 indicates that the School documented that the Student was to carry a copy of the IEP/CCC Report to the parent, but they cannot verify that the IEP arrived at the Student's home. Therefore, a violation of 511 IAC 7-27-5(c) is found for failing to provide the parent with a copy of the written case conference committee meeting report, including the student's IEP, no later than ten business days after the case conference committee met on October 8, 2001.
3. Findings of Fact #6 indicates that the School failed to include in the Student's IEP a statement of how the Student's parents will be regularly informed of the Student's progress toward annual goals. The Student's IEP requires only an annual review toward the annual goals. Therefore, a violation of 511 IAC 7-27-6(a)(7)(B) is found.

**The Department of Education, Division of Exceptional Learners requires the following corrective actions based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Gary Community School Corporation shall:

1. Send a written reminder to all school administrators and special education personnel, including speech-language pathologists, stating the requirements of 511 IAC 7-27-5, with emphasis on the requirement to provide the parent with a copy of the written case conference committee meeting report, including the student's IEP, no later than ten business days after the case conference committee meeting. The reminder will also state the corporation procedures to ensure that the required CCC summary and IEP are delivered to the parents within the 10-day timeline.
2. Send a written reminder to all school administrators and special education personnel, including speech-language pathologists, stating the requirements of 511 IAC 511 IAC 7-27-6, with emphasis on the requisite inclusion of timelines for notification of parents about progress toward IEP goals to be included in the Student's IEP, including a statement of how the Student's parents will be regularly informed of the Student's progress toward annual goals, and the extent to which that progress is sufficient to enable the Student to achieve those goals by the end of the twelve (12) month period.

A copy of both written memoranda and a list of those who received them shall be submitted to the Division no later than October 7, 2002.